

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

WILLIAM C. BOND

*

Plaintiff

*

v.

*

Civil Action No.: MJG-01-CV-2600

KENNETH BLUM, SR., *et al.*

*

Defendants

*

* * * * *

DEFENDANTS' RESPONSE IN OPPOSITION TO MOTION TO DISQUALIFY ATTORNEYS

Defendants, Kenneth Blum, Sr., Kenneth Blum, Jr., Dudley F. B. Hodgson, McDaniel, Bennett & Griffin,¹ and Adelberg Rudow Dorf & Hendler, LLC, by their undersigned counsel, respond in opposition to the Motion to Disqualify Attorneys filed by William Bond ("Bond") and in support state as follows:

1. The Motion to Disqualify should be denied because it is untimely, moot, unsupported legally or factually, has been waived, and is barred by collateral estoppel and res judicata. Defendants adopt and incorporate their response in opposition to Bond's Motion for Fed.R.Civ.Pro. 60(b) Relief from Judgment or Order ("Rule 60(b) Motion").

2. The above-captioned action was filed on August 29, 2001, by Bond and on November 27, 2001, the Court granted summary judgment, entered judgment in favor of all defendants and dismissed all of Bond's claims with prejudice.

3. On January 4, 2002, the Court denied Bond's Motion to Alter or Amend Judgment.

4. On January 31, 2002, Bond filed a Notice of Appeal.

¹ "McDaniel, Bennett & Griffin" is currently known as "The Law Offices of William J. McDaniel, Jr.."

5. On January 24, 2003, the Court of Appeals for the Fourth Circuit affirmed this court's judgment in favor of all defendants. *Bond v. Blum*, 317 F.3d 385 (4th Cir. 2003), *cert. denied*, 540 U.S. 820 (2003).

6. According to the Docket Report for this action, the case terminated on May 6, 2003.

7. Since that time, all papers filed in this action have related either to various defendants' claims for attorneys' fees, or writs of garnishment filed against Bond.

8. The Motion to Disqualify is years overdue. It should have been filed, if at all, prior to Bond's filing his Notice of Appeal.

9. Bond claims that each of the five attorneys identified in his Motion to Disqualify will be "witness and named Defendant in this Case"; however, there is no "this Case" at issue because judgment in favor of all defendants and against Bond was affirmed by the Fourth Circuit on January 2003.

10. There is thus no pending action by Bond in which any person could be joined as a defendant, or could testify as a witness. The Motion to Disqualify is thus moot or untimely.

11. Moreover, Bond's claims that attorneys involved in this action should be disqualified due to an alleged improper relationship with Judge Marvin Garbis, should be denied because: 1) Bond filed a Motion for Recusal on March 12, 2003 that was denied on April 25, 2003, and 2) Bond filed a Renewed Motion to Recuse on April 26, 2007 which was denied on May 1, 2007. These orders denying the motions to recuse make clear that no improper relationship exists between Judge Garbis and counsel in this action.

12. Any and all claims Bond has or may have had against anyone relating to the Manuscript referenced in Bond's Rule 60(b) Motion have been or could have been litigated prior to the filing of the Notice of Appeal, or have been or could have been litigated in, among other cases filed by Bond, *Bond v. Slavin*, 157 Md.App. 340 (2004); *Bond v. Messerman*, 162 Md.App. 93 (2005); or *Bond v. Blum*,

unpublished opinion by the Court of Special Appeals, *cert. denied*, 396 Md. 10 (2006), all of which involved the Manuscript.

13. Any claim by Bond that involved conflicts or improper behavior by counsel could have been included in any one of these actions as well. In *Bond v. Blum*, Bond included the firms McDaniel, Bennett & Griffin and Adelberg, Rudow Dorf & Hendler as defendants. In addition to the reasons set forth above, Bond's Motion to Disqualify should be denied because it has been waived, it is barred by collateral estoppel and by res judicata.

WHEREFORE, Defendants respectfully request that the Motion to Disqualify Attorneys be DENIED.

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 11th day of May, 2007, a copy of the foregoing Response in Opposition to the Motion to Disqualify Attorneys was served by first class mail on the following:

William C. Bond
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Baltimore, Maryland 21218

William Slavin
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_____/s/_____
T. Christine Pham